

WCR26–09A/B/C Executive Summary	
General Description	<p>Wildlife Closure Reviews WCR26-09A/B/C review closures to moose hunting in Unit 22A.</p> <p>WCR26-09A reviews the closure to moose hunting by non-federally qualified users from Sept. 21–Aug. 31 in the northern portion of Unit 22A (22A North).</p> <p>WCR26-09B reviews the closure to moose hunting by non-federally qualified users in the central portion of Unit 22A around Unalakleet (22A Unalakleet).</p> <p>WCR26-09C reviews the closure to moose hunting by non-federally qualified users from Oct. 1–Aug. 31 in the southern portion of Unit 22A (22A Remainder).</p>
Current Regulation	<p style="text-align: center;">Unit 22A—Moose</p> <p><i>Unit 22A, that portion north of the Egavik Creek drainage—1 bull. Aug. 1–Sep. 30.</i></p> <p><i>Federal public lands are closed to hunting Sep. 21–Aug. 31 except by federally qualified users hunting under these regulations</i></p> <p><i>Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of and including the Egavik Creek drainage—1 bull by Federal registration permit. Aug. 15–Sep. 14.</i></p> <p><i>Federal public lands are closed to the taking of moose except by federally qualified users hunting under these regulations. The BLM Anchorage Field Office is delegated authority to close the season in consultation with ADF&G</i></p> <p><i>Unit 22A, remainder—1 bull. However, during the period Jan.1–Feb. 15, only an antlered bull may be taken. Aug. 1–Sep. 30. Jan. 1–Feb. 15.</i></p> <p><i>Federal public lands are closed to the taking of moose, Oct. 1–Aug. 31, except by federally qualified subsistence users</i></p>
OSM Conclusion	Rescind the closures
Seward Peninsula Subsistence Regional Advisory Council Recommendation	<p>Rescind the closure on WCR26-09A</p> <p>Retain status quo on WCR26-09B</p> <p>Rescind the closure on WCR26-09C</p>

WCR26-09A/B/C Executive Summary	
Interagency Staff Committee Comments	See full comments at the end of this analysis.
ADF&G Comments	Rescind the closures
Written Public Comments	None

Wildlife Closure Review WCR26-09A/B/C

ISSUE: Wildlife Closure Reviews WCR26-09A/B/C review closures to moose hunting in Unit 22A. WCR26-09A reviews the closure to moose hunting by non-federally qualified users from Sept. 21–Aug. 31 in the northern portion of Unit 22A (22A North). WCR26-09B reviews the closure to moose hunting by non-federally qualified users in the central portion of Unit 22A around Unalakleet (22A Unalakleet). WCR26-09C reviews the closure to moose hunting by non-federally qualified users from Oct. 1–Aug. 31 in the southern portion of Unit 22A (22A Remainder). (**Map 1**, please see WP26-54). It is the Federal Subsistence Board’s (Board) policy that Federal public lands should be reopened when a closure is no longer necessary, and that closures will be reviewed at least once every four years. The purpose of this review is to determine if this closure is still warranted.

Closure Location and Species: Unit 22A–Moose

WCR26-09A: Unit 22A, that portion north of the Egavik Creek drainage (22A North)

WCR26-09B: Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of and including the Egavik Creek drainage (22A Unalakleet)

WCR26-09C: Unit 22A, remainder

Closure Dates:

WCR26-09A: Sep. 21–Aug. 31.

WCR26-09B: Year-round.

WCR26-09C: Oct. 1–Aug. 31.

Current Federal Regulations

Please see Regulations section of Proposal WP26-54 analysis.

Current State Regulations

Please see Regulations section of Proposal WP26-54 analysis.

Regulatory Year Initiated: 1995 (Oct. 1–10 closure, except by Unit 22A residents); 1996 (Dec. 1–Jan. 31 closure, except by Unit 22A residents); 2004 (year-round closure, except by Unit 22A residents); 2006 (closure to all users in Unit 22A Unalakleet); 2008 (closure, except by Unalakleet residents in Unit 22A Unalakleet); 2018 (closure to non-federally qualified users in Units 22A North and 22A remainder); 2020 (Oct. 1–Aug. 31 closure to non-federally qualified users in Unit 22A remainder); 2022 (Sept. 21–Aug. 31 closure to non-federally qualified users in Unit 22A North and closure to non-federally qualified users in Unit 22A Unalakleet).

Closures last reviewed:

WCR26-09A: 2022–WP22-49

WCR26-09B: 2022–WCR22-09B

WCR26-09C: 2022–WCR22-09C

Justification for Original Closure

Section 815(3) of ANILCA states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law...

In 1995, the Board adopted Proposal P95-42 with modification. Proposal P95-42 requested extending the fall moose season in Unit 22A from Aug. 1–Sep. 30 to Aug. 1–Oct. 10. At the State’s request, the Federal Subsistence Board (Board) modified the proposal to close Federal public lands for the Oct. 1 – 10 portion of the season to all users except residents of Unit 22A (§804 restriction) in order to limit moose harvest as much as possible (FSB 1995a). The Board understood that moose occurred in Unit 22A in low densities and extending the season into the rut could contribute to harvest above sustainable levels.

Later that year, the Board reversed its decision on P95-42 through approval of RFR95-11 due to a probable decline in the moose population. However, due to the conservation concerns, the Board also closed Federal public lands in Unit 22A to the harvest of moose to all users except residents of Unit 22A during the Dec. 1–Jan. 31 season (FSB 1995b).

Council Recommendation for Original Closure

The Seward Peninsula Subsistence Regional Advisory Council (Council) supported Proposal P95-42, extending the season dates from Aug. 1–Sep. 30 to Aug. 1–Oct. 10 which would be more aligned with traditional harvest practices. The Board made the modification to close the October portion of the season to all users, except residents of Unit 22A, as suggested by the State. The Council did not have the opportunity to make a recommendation on this modification; however, the Council Chair was supportive of the amendment as nonlocal use of the area during October was low (FSB 1995a).

State Recommendation for Original Closure

ADF&G opposed Proposal P95-42 because the proposal did not indicate users were not being accommodated by current regulations and the 10-day season extension could result in increased harvest that could adversely impact the low-density moose population. ADF&G stated that if the Board were to approve the proposal, they should restrict harvest within the 10-day season extension to residents of Unit 22A (FSB 1995a). ADF&G subsequently submitted a request for reconsideration for P95-42 (R95-11).

Extent of Federal Public Lands

The Unit 22A North hunt area is comprised of 78% Federal public lands, all of which are managed by the Bureau of Land Management (BLM).

Unit 22A Unalakleet is comprised of 75% Federal public lands, all of which are managed by BLM.

Unit 22A remainder is comprised of 50% Federal public lands and consists of 43% U.S. Fish and Wildlife Service (USFWS) managed lands and 7% BLM managed lands.

Customary and Traditional Use Determination

Residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

Regulatory History

Please see Regulatory History section of Proposal WP26-54 analysis.

Biological Background

Please see Biological Background section of Proposal WP26-54 analysis.

Cultural Knowledge and Traditional Practices

Please see the Cultural Knowledge and Traditional Practices section of Proposal WP26-54 analysis for general information.

Harvest History

Please see Harvest History section of Proposal WP26-54 analysis.

Alternative(s) Considered

One alternative considered was to require registration permits for the Unit 22A North and Unit 22A remainder moose hunts. This would improve harvest reporting and allow better tracking of harvest but would be more burdensome for users and administrators. However, this is beyond the scope of a closure review; a Federal regulatory proposal would need to be submitted to effect this change under

Federal regulations. A proposal could also be submitted to the BOG to require a registration permit in these hunt areas under State regulations.

Another alternative considered was to extend the fall season to Aug. 1–Sept. 30 and establish a winter season from Dec. 1–last day of February in the Unit 22A Unalakleet hunt area to align with recently adopted State regulations. Currently Federal regulations are more restrictive than State regulations, precluding subsistence opportunity. However, this alternative is beyond the scope of a closure review; a Federal regulatory proposal would need to be submitted to effect this change under Federal regulations

Effects and Discussion

If these closures are rescinded, non-federally qualified users would be able to hunt moose on Federal public lands in all of Unit 22A throughout the entirety of the State moose season. Over the last 5 years, reported nonlocal and nonresident harvest have averaged 5% and 27%, respectively. Rescinding the closure in Unit 22A Unalakleet would not affect nonresident harvest or potential user conflicts as there is no nonresident season in this hunt area, which is the portion of the Unit 22A moose population most heavily utilized by federally qualified subsistence users. Completely rescinding the closures in 22A North and in Unit 22A remainder would also not change nonresident harvest, as the closures have already been rescinded in these hunt areas during the nonresident seasons. Harvest by non-local residents may increase in all these hunt areas, although reported harvest by non-local residents has been extremely low historically and has been zero in some years.

The effects of rescinding the closure during September in Unit 22A remainder in 2020 on subsistence users is uncertain, although nonresident harvest has increased in the area since 2020, while local resident reported harvest has remained low. While this closure was originally enacted for reasons of conservation, subsistence users have reported difficulty in harvesting enough moose to meet their needs. Due to the remoteness of the unit, opening Federal lands in September had the potential to further disperse non-federally qualified users throughout the area and away from traditional hunting areas, reducing user conflicts. However, the converse was also a possibility due to the potential for more NFQU accessing the unit either through transporters or self-supported hunts.

The effects of rescinding the closure during the State’s nonresident season in Unit 22A North in 2022 are also uncertain. Rescinding the closure allowed any of the five guides registered to operate within the hunt area to seek BLM permits to operate on Federal public lands. It also allowed transporters to operate on these lands in support of non-federally qualified users. While nonresident harvest was expected to increase as a result of rescinding the closure, nonresidents did not report any moose harvested in Unit 22A North in either 2022 or 2023. The Shaktoolik River provides access to Federal public lands, which increased the chances that rescinding the closure could result in additional nonlocal hunting pressure. However, reported harvest in Unit 22A North has been extremely low, likely due to the remoteness of the area and low harvest pressure.

Federally qualified subsistence users in Unit 22 may be affected by rescinding the Federal lands closure. If additional harvest has detrimental effects on the moose population, there will be long-term

negative effects for local users. However, extremely high bull:cow ratios and population estimates far exceeding State management objectives in Unit 22A indicate no conservation concerns and that many surplus bulls are available for harvest.

In addition, an increase in nonlocal users may result in increased user conflict in the area. However, at the April 2020 Board meeting, the proponent of Proposal WP20-41 provided testimony to the Board that many of the Federal public lands he guides on in Unit 22A North are extremely remote and accessible only by airplane, and that the existing closure served only to concentrate all users on the same travel corridors along the Shaktoolik and other local rivers (FSB 2020).

Unit 22A North has a small amount of reported harvest that has remained stable for the last 20 years. If nonresident harvest were to increase, it may occur in areas outside of where local residents are harvesting their moose. Unit 22A remainder has seen the greatest increase in nonresident harvest, but also has the greatest chance of increased migration from adjacent units with a high population and very high bull to cow ratios. Again, most of this harvest is occurring outside of where local residents are harvesting their moose, so user conflicts are not expected.

OSM CONCLUSION

- Retain the Status Quo**
- Rescind the Closure**
- Modify the Closure to**
- Defer Decision on the Closure or Take No Action**

Justification

The moose populations appear to be increasing across Unit 22A and bull:cow ratios are extremely high, indicating an abundance of surplus bulls available for harvest and no conservation concerns. Rescinding these closures is not expected to substantially increase harvest as nonlocal resident harvest is very low and the closures were already rescinded during the nonresident seasons in Unit 22A North and remainder, and there is currently no State nonresident season in Unit 22A Unalakleet.

Rescinding these closures is in accordance with Federal Regulations (CFR100.10(d)(4)(vi)) and the Federal Subsistence Board closure policy, which states, closures shall be rescinded, “as soon as practicable once the conditions that originally justified the closure have changed.” The increasing moose abundance, high bull:cow ratios, and overall low harvest pressure demonstrate that the original conservation concerns which established these closures no longer exist. Therefore, rescinding these Federal land closures and providing harvest opportunity to all users is warranted.

LITERATURE CITED

FSB. 1995a. Transcripts of Federal Subsistence Board proceedings. April 12, 1995. Office of Subsistence Management, FWS. Anchorage, AK.

FSB. 1995b. Transcripts of Federal Subsistence Board proceedings. September 26, 1995. Office of Subsistence Management, FWS. Anchorage, AK.

FSB. 2020. Transcripts of Federal Subsistence Board proceedings. April 22-23, 2020. Office of Subsistence Management, FWS. Anchorage, AK.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Seward Peninsula Subsistence Regional Advisory Council

The Council voted to **rescind the closures** for WCR26-09A (Unit 22A North) and WCR26-09C (Unit 22A remainder), and voted to **retain status quo** for WCR26-09B (Unit 22A Unalakleet).

Comments on WCR26-09A and WCR26-09C: The moose population appears to be very healthy in this area. Competition from non-federally qualified subsistence users is low, and based on the last two seasons, non-local residents have been allowed to hunt under State regulations and federally qualified subsistence users have still been able to harvest what they need. The justification for the original closure does not appear to exist anymore, so there is no reason to keep the closure.

Comments on WCR26-09B: The Council expressed concerns about harvest and hunting pressure increasing if the closure is rescinded for the Unalakleet area. They recognize there is currently no State non-resident season but fear one may be established if the closure is lifted.

INTERAGENCY STAFF COMMITTEE COMMENT

The Federal Subsistence Board (Board) will need to consider a few key sections of ANILCA before taking action on proposals requesting closures and closure reviews. Specifically, those sections of Title VIII pertaining to Council Deference and the limitations to closures or restrictions of subsistence and nonsubsistence uses on federal public lands.

ANILCA Section 815(3) clarifies that “nothing in this title shall be construed as...authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law.”

ANILCA Section 816(b) allows for closure or restriction of Federal public lands to subsistence uses of fish and wildlife for “for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population.”

ANILCA Section 805(c) the Board must consider the recommendations of the Councils “concerning the taking of fish and wildlife” on public lands in their regions and may choose not to follow such a recommendation only if it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

These three sections speak to the heart of Board authority and require a careful balance between the federal priority, the continuation of subsistence uses, the necessary conservation of subsistence fish and wildlife, and unnecessary restrictions. In the case of WCR26-09A/B/C, the ISC suggests the Council recommendation to retain the closure in Unit 22A may not meet the criteria for deference.

ALASKA DEPARTEMENT OF FISH AND GAME COMMENT

No comment submitted.